



June 24, 2005

**TO:** J. C. Lenzi, Eastern Region  
Don Senn, North Central Region  
Lorena Eng, Northwest Region, NB82-101  
Randy Hain, Olympic Region, 47440  
Don Whitehouse, South Central Region  
Donald Wagner, Southwest Region, S15  
Dave Dye, Urban Corridors Office, TB85-95

**FROM:** Donald K. Nelson  
360-705-7101

**SUBJECT:** Project Delivery Memo #05-02 – Disposal of Excess Material Update

**Purpose and Direction**

**Background:** In Project Delivery Memo #04-05, dated August 30, 2004, I indicated that there had been changes in the Washington Administrative Code (WAC) that impacted how we would handle the disposal of excess material from our projects. Included with the memo was a special provision, which was to be included in all projects.

The HQ Environmental Services Office, in coordination with several other groups, has been working with Ecology to rescind problematic portions of the rule. Ecology agreed to this, and language pertaining to soils management was effectively rescinded. Removal of the soil management requirements was effective June 10, 2005.

Under the revised WAC, we would continue to determine that soils are free from contamination based on existing information. Additional sampling or testing will not be required unless there is specific information suggesting that soils may be contaminated. The term "contaminated soil" pertains only to soils identified as problem wastes or solid wastes, as defined in WAC 174-304-100.

In addition, the use of the general special provision (GSP - 030307C.GR2) that was included with the previous Project Delivery Memo will not be required. Although Ecology rescinded problematic portions of the rule, county health departments are responsible for administering solid waste regulations. In so doing, counties may continue to require the stricter requirements. Whenever possible, coordination with local health departments regarding soils management should occur *early* (concurrent with negotiating other permit conditions).

**Types of Projects Affected:** Projects that have any amount of earthwork and it is anticipated that there will be excess material that needs to be hauled off the project site to a contractor-furnished disposal site will be affected.

**Direction:** Delete the use of GSP 030307C.GR2.

**Value in Making the Change:** This change will re-open options to contractors for disposal of excess material resulting from earthwork activities. The change should result in reduced bid prices for items where excess materials need to be disposed of in contractor-provided sites.

### Action Requested

#### Project Development

Discontinue the use of GSP 030307C.GR2 in all contracts. A check needs to be made for local ordinances or regulations that may provide stricter rules for disposal of material.

#### Contract Ad and Award

For projects currently being advertised for bids, this provision should be removed from the contract provisions by addendum if it is possible to do so without impacting the bid opening. A check needs to be made for stricter local ordinances or regulations.

#### Construction

Projects that are currently under contract will need to be evaluated on a case-by-case basis including a check for conflicting local ordinances or regulations. Only the larger earthwork projects should be affected. A contractor-requested change order may be accepted at the discretion of the Region. A credit might be expected if a savings in haul cost or tipping fees result from the change.

DKN:cd  
KJD/HJP/JRS

cc: John Conrad  
Region Project Development Engineers  
Region Construction Engineers  
Region Construction Trainers  
Region Materials Engineers  
Region Design Trainers

Tom Baker  
Kevin Dayton  
Harold Peterfeso  
Megan White  
Ken Walker